

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: E. I. DU PONT DE
NEMOURS AND COMPANY C-8
PERSONAL INJURY LITIGATION

CASE NO. 2:13-md-2433

CHIEF JUDGE EDMUND A. SARGUS, JR.

MAGISTRATE JUDGE ELIZABETH P.
DEAVERS

This document relates to:

**Angela Swartz and Teddy Swartz v. E. I. du Pont de
Nemours and Company, Case No. 2:18-cv-00136**

**Travis Abbott, et al. v. E. I. du Pont de Nemours and
Company, et al., Case No. 2:17-cv-998**

**DEFENDANT'S MOTION FOR LEAVE TO FILE
A CERTAIN MOTION UNDER SEAL**

Defendant E. I. du Pont Nemours and Company ("DuPont") respectfully requests that the Court grant it leave to file its Motion for Mistrial and Exhibits in the above-referenced cases under seal.

Respectfully submitted,

/s/ Damond R. Mace

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MEMORANDUM IN SUPPORT

This Motion for Leave is filed in conjunction with DuPont's anticipated Motion for Mistrial due to the public disclosure of pre-verdict jury deliberations and the partial identity of a lone hold-out juror ("Motion for Mistrial"). At the time of filing, Plaintiffs had not consented to this motion.

Because the Motion for Mistrial discusses sensitive identifying information regarding a lone hold-out juror, DuPont requests to file certain portions of its Motion for a Mistrial under seal in order to protect the views and identity of the single juror and the circumstances surrounding jury deliberations from further public disclosure. *See, e.g., United States v. Thomas*, 116 F.3d 606, 619 (2d Cir. 1997) ("It is the historic duty of a trial judge to safeguard the secrecy of the deliberative process that lies at the heart of our system of justice, even in the face of relentless, and sometimes inappropriate, demands by the news media and the public for post-verdict disclosure of what went on behind the closed door of the jury room."). DuPont anticipates that its Motion for Mistrial will include material that contains sensitive facts related to juror identity.

Thus, to guard against further public intrusion into the jury deliberation process, to prevent further scrutiny of pre-verdict juror deliberations and juror identities, and to avoid further coercion of the single juror, DuPont respectfully requests that the Court grant it leave to file the following under seal: (1) aspects of its Motion that reveal sensitive, potentially identifying information regarding the lone juror; and (2) portions of juror-Court communications that reveal jurors' names.

As such, DuPont requests that the Court grant it leave to file its Motion for Mistrial and attached Exhibit, consisting of juror-Court communications, under seal.

Respectfully submitted:

/s/ *Damond R. Mace*

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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was electronically filed with this Court's CM/ECF system on this 2nd day of March, 2020 and was thus served automatically upon all counsel of record for this matter.

/s/ *Damond R. Mace*
Damond R. Mace (0017102)